

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
UNITED STATES OF AMERICA, Plaintiff		For plaintiff:					
vs		Nathan G. Graham, U.S. Attorney Jack M. Short, Asst.					
The PAWNEE BUSINESS COUNCIL OF THE PAWNEE INDIAN TRIBE OF OKLAHOMA, Thomas Chapman, Jr. Austin Realrider, Owen Echo-Hawk, Lloyd K. Cummings, Delbert Horsechief, Jr., Harold Morgan, Cecil Gardipe, George Gardipe, The NASHARO COUNCIL OF THE PAWNEE INDIAN TRIBE OF OKLAHOMA, Garland Blaine, Arthur Coons, Lynn Rice, John Wayne Jake, Phillip Matthews, Birchard Hopkins, Wadsworth Howell, Levi Horsechief, Charles "Babe" Shunatona, Justin Levier, Defendants		Mr. Lyle R. Griffi s Box 397 Anadarko, Oklahoma 73005					
Added Deft.: Pawnee Indian Tribe of Oklahoma, a Corp.		For defendant: (for: Pawnee Indian Gerald E. Kamins Tribe of Okla. For: Atty. for Pawnee Bus. Council of Pawnee Indian Tribe of Okla., Austin Realrider, Pres., Austin Realrider, Owen Echo-Hawk, Lloyd K. Cummings, Delber Horsechief, J. Harold Morgan, Indiv. and as Memb. 1810 E. 15th, Tulsa (936-2182) Maynard Ungerman & Jeff Nix (Movants) Wright Bldg., Tulsa, Okla. 74103 584-6101					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed 2-1-73	Clerk						
J.S. 6 mailed 7-1-74	Marshal						
Basis of Action: Reinstate "rightful" Officers.	Docket fee						
Violation of 28 U.S.C. 1345.	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-15-73	Complaint for Preliminary and Permanent Injunctions, Declaratory Judgment and other Relief, filed. v	
1-15-73	Memorandum Brief of Plaintiff in Support of its Complaint and Request for Interlocutory Relief, filed. v	
1-16-73	Case set for Hearing on Pltfs' Appl for Preliminary Injunction at 2:00 P.M. 1-30-73 (FD-J)r	
1-17-73	Order, filed, that the appl. for a preliminary injunction prayed for in the complaint is hereby set for hearing before Judge Fred Daugherty, on Jan. 30, 1973, at 2:00 P.M., in Tulsa, Okla. (FD-J)v -cp to U.S. Atty.	
1-26-73	Answer and Cross Petition on Behalf of the Pawnee Business Council of the Pawnee Indian Tribe of Okla., and Austin Realrider, Lloyd K. Cummings, Delbert Horsechief, Jr., and Harold Morgan, Individually and Only, filed. v	
1-29-73	Motion of the Deft.s Thos. Chapman, Jr., Cecil Gardipe, Geo. Gardipe, Garland Blaine, Arthur Coons, Lynn Rice, John Wayne Jake, Phillip Matthews, Birchard Hopkins, Wadsworth Howell, Levi Horsechief, Chas. "Babe" Shunatona and Justin Levier-to Dismiss, with Affidavit and Brief in Support Attached, filed. v	
1-31-73	Return on service of summons filed. Served on 1-17-73: Thomas Chapman, Jr. at Pawnee, Okla.; Austin Realrider at Pawnee, Okla.; Owen Echo-Hawk at Tulsa, Okla.; Lloyd K. Cummings at Pawnee; Delbert Horsechief, Jr. at Pawnee; Harold Morgan at Pawnee; Cecil Gardipe at Okla. City; George Gardipe at Pawnee; Garland Blaine at Okla City; Arthur Coons at Ponca City; Lynn Rice at Tryon, Okla.; John Wayne Jake at Hominy; Phillip Matthews at Glencoe, Okla.; Birchard Hopkins at Tulsa; Wadsworth Howell at Pawnee; Levi Horsechief at Del City, Okla.; Charles Babe Shunatona at Wichita, Kansas; Justin Levier at Chilocco, Okla.; The Pawnee Business Council-Pawnee Tribe by serving it pres. Austin Realride at Pawnee; The Nasharo Council, etc., at Okla. City; \$138.00 USM.h	
1-30-73	Hearing held on Pltf' s Appl for Preliminary Injunction. Appl for Prel. Inj. was denied. Parties represented. Govt to respond to Defts' Motion to Dismiss w/Brief within 10 days; Defts (Movants) to file supplemental Brief within 10 days. P.T. Conference will be excused in this case. (FD-J)r	
1-31-73	Pltfs' Motion to Add a party Deft, filed in open court, r	
1-31-73	Order to add Pawnee Indian Tribe of Oklahoma, a Corp, as a Party Deft, filed in Open Court. (FD-J)r (Copies mailed)	
2-9-73	Pltf.'s response to mo/dismiss of various defs., w/brief in sup. thereof, filed. rm <i>Mailed w/ file</i>	
2-12-73	Movant's Supplemental Brief in support of the Defts' Motion to Dismiss, filed. r <i>Mailed w/ file</i>	
2-13-73	Deft. Pawnee Indian Tribe of Oklahoma's Motion to Dismiss, filed. r	
2-14-73	General appearance in behalf of the Pawnee Indian Tribe of Oklahoma, a Corp. filed. ds	
2-15-73	Copy of letter dated 2-14-73 from J.D. to Jack Short, requesting that Govt respond to Defts' Pawnee Indian Tribe of Oklahoma's Motion to Dismiss w/supporting brief within 10 days (Due 2-24-73) filed. r	
2-23-73	Pltf.'s Response to Mot. to Dismiss of the Deft., Pawnee Indian Tribe of Oklahoma, filed. v	

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-24-73	Cross-Petitioners /Reapplication for Temporary and Permanent Inj., Declaratory Jgmt. and other relief, filed. jj	
4-24-73	Memorandum Brief of Deft. Cross-Petitioners Intervenor in Support of its Complaint and Amended Complaint and Request for Making Additional Parties Deft.s and for Interlocutory Relief, filed. jj	
5-2-73	Copy of ltr dated 5-1-73 requesting that Pltf & other defts respond to defts' Horsechief, Jr. & Morgan's Appl to Join Necessary Party defts in Amended Complaint for Preliminary Permanent Inj., Declaratory Judgment and other relief, within 10 days (Due 5-11-73) If opposed, it should be accompanied by a Brief, filed. r	
5-3-73	Order filed, overruling the Reapplication for Temp & Permanent Inj, Declaratory Judgment & other relief, filed. (FD-J)r (Copies mailed)	
5-3-73	Appl of Defts Horsechief, Jr. & Morgan, to Join necessary party defts in amended complaint for preliminary permanent inj., Declaratory Judgment & other relief, filed. r <i>W. H. Deaton</i>	
5-10-73	Request to Withdraw Appl. to Join Necessary Party Deft.s, filed. v <i>W. H. Deaton</i>	
5-15-73	Order filed, granting defts Morgan and Realrider's request to withdraw Appl to join necessary party defts, without prejudice, filed. (FD-J)r (Copies mailed)	
5-24-73	Ordered by the Court that this case is set for Oral Arguments on Motions to Dismiss, on June 14, 1973, at 10:00 A.M. (FD-J)v -notices mailed.	
6-14-73	Hearing held on oral arguments on Defts Motion to Dismiss. Pltf rep. by Jack Short & Lyle Griffiths; Deft rep by Gerald Kamins; & Movants rep by Maynard Ungerman and Jeff Nix. Court overrules both Motions to Dismiss of defts and will file a formal Order. Court grants Pltf 5 days to file amend, if they so wish; defts are ordered to ans within 15 days, if amendment is filed. Defts are granted 15 days to ans, if pltf does not file an amendment. (FD-J)r	
6-14-73	Order filed, denying both Motions to Dismiss of defts. Pltf is granted 5 days to file an Amended Complaint or Amendment to Complaint if it desires. All Defts will ans. within 20 days thereafter. (FD-J)r (Copies mailed)	
6-19-73	Amendment to complaint, filed. ds	
7-11-73	Deft's Ans. to Pltf's Complaint and Amendment thereto, filed. jj <i>NUSHAQ, et al</i>	
7-11-73	Appl for enlargement of time, filed by Pawnee Bus. Council, filed. r	
7-11-73	Ordered by the Court that Pawnee Bus Council is granted until 7-13-73 in which to answer the pltf's amended complaint. (FD-J)r	
7-16-73	Amended Ans. for the following defts.: Pawnee Indian Tribe of Okla. <u>Realrider</u> , <u>Echo-Hawk</u> , <u>Cummings</u> , <u>Horsechief</u> , and <u>Morgan</u> , filed. jj	

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-29-73	Case set for P-T hearing at 11:00 A.M. Oct. 2, 1973 (FD-J)r	
10-2-73	Pre-trial held. Pltf. rep. by Jack Short; defs. rep. by Gerald E. Kamins, Maynard Ungerman & Jeff Nix. Statements made. Pltf. directed to file Pre-Trial Order. <u>Case to be set on non-jury docket.</u> (FD-J)rm	
12-11-73	<u>Pre-trial Order</u> , filed. rm <i>copies mailed</i>	
4-2-74	Reappl. for preliminary injunction, filed by defts & cross-petitioners, et al, with Bill of Particulars & Aff. of Gerald E. Kamins attached., filed. v <i>asmb previous briefs,</i>	
4-15-74	Motion for Temporary Restraining Order, filed by Pltf. v	
4-15-74	Brief in Support, filed. v <i>copy to Judge</i>	
4-16-74	Order, filed, denying deft. & cross-petrs. reappl. for prel. inj. Further, case set for trial on its merits on 5/9/74 at 9:30 a.m. (FD-J)rm	
4-16-74	Case set for hrg. on mo/TRO of pltf. for 3:30 p.m., 4/16/74. (FD-J)rm <i>copies made</i>	
4-16-74	Hearing held on pltf. mo/TRO in chambers. Parties rep. by counsel of record. Ct. denies mo/TRO and case to be set for non-jury trial on merits on 5/9/74 at 9:30 a.m. Ct. to prepare and file formal order denying motion. (FD-J)rm	
4-16-74	Order, filed, overruling pltf. mo/TRO. (FD-J)rm copies mailed	
5-9-74	Case called for non-jury trial on merits. Parties present & rep. by counsel of record. Pltf. & def. present exhibits to court and each are ruled on. Arguments heard. Case taken under advisement and Court will render its memorandum opinion as soon as possible. (FD-J)rm	
5-9-74	Trial exhibits, filed. rm <i>judge has file</i>	
5-28-74	Memorandum opinion, filed and entered, that the determination of the Sec. of Interior involved herein should be enforced by the Ct. and those acting contrary thereto should be enjoined from such conduct; counsel for pltf. will prepare appropriate judg. based on foregoing and after circulation present same to Ct. for signature and entry herein. (FD-J)rm - copies mailed	
6-17-74	Judgment, filed and entered, in accordance with memo opinion. (FD-J)rm	